

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING OFFICER DIRECTIVE

DOCKET NO. 2013-275-WS

DECEMBER 16, 2013

Hearing Officer: David Butler

DOCKET DESCRIPTION:

Application of Carolina Water Service, Incorporated for Adjustment of Rates and Charges, and Modification of Certain Terms and Conditions for the Provision of Water and Sewer Service

MATTER UNDER CONSIDERATION:

Motion for Consolidation of Docket No. 2013-71-WS (the Bozeman company complaint matter) with this rate case, and to file Bozeman testimony by December 16, 2013

HEARING OFFICER'S ACTION:

Motion denied.

The attorney for Ken Bozeman moves to consolidate the Bozeman company complaint matter with this rate case, and to file Bozeman testimony by December 16, 2013. Carolina Water Service, Incorporated ("CWS" or "the Company") states that it is unable to consent to the two-pronged motion. The Company notes that the complaint matter filed by Mr. Bozeman's company has been fully processed administratively, with a hearing examiner having been appointed, counsel obtained for Mr. Bozeman's company, and testimony having been prefiled with the Commission by the parties. Further, Bozeman's company's counsel has requested that a hearing be set in the complaint matter.

As noted by CWS, the rate case was filed on September 4, 2013, and the Company's customers were given notice of the filing on September 27, 2013. Mr. Bozeman chose not to intervene in the rate case docket, although he had been notified of his right to do so. The parties to the rate case docket have conducted discovery and have prefiled testimony, with CWS having prefiled both direct and rebuttal testimony. CWS correctly points out that the parties and issues are joined in the rate case. CWS believes that it would be prejudiced by the joinder of a new party at this late time in the proceedings. The Company also points out that Mr. Bozeman addressed the Commission on his issue at the evening public hearing in the rate case held on December 12, 2013, after having been informed that such testimony would bar him from testifying at future hearings on this rate docket. In sum, CWS argues that Mr. Bozeman consciously chose to proceed with his company's complaint matter

separately from the rate case, and that he has already been heard at the evening public hearing held in the rate case.

In the absence of agreement by the parties, the Hearing Officer believes that addition of a new party at this late juncture, along with the filing of new testimony, would be prejudicial, not only to the Company, but to all parties in the case. The bulk of the testimony has already been filed in the rate case. Further, the addition of a new party at this point in the case interferes with the due and orderly course of this Commission proceeding by introducing new matter into a case where the issues have already been joined. A portion of Rule 1 of the South Carolina Rules of Civil Procedure is instructive. The rule states that the Rules "shall be construed to secure the just, speedy, and inexpensive determination of every action." The addition of a new party at this time, along with the prefiling of new testimony is unjust. It also interferes with the speedy resolution of the matter, and adds to the expense of the case.

It is also duly noted that Mr. Bozeman is not without a remedy. In fact, as noted above, Mr. Bozeman's company has been preparing for a hearing in the complaint matter, which will address Mr. Bozeman's company's complaint.

Accordingly, the motion for consolidation and for the prefiling of additional testimony in this rate case is denied.